

SENATE BILL No. 238

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-7-1-29.1; IC 14-32-8.

Synopsis: Soil and water conservation funding. Specifies that a certain part of the cigarette tax fund money annually appropriated to the department of natural resources under current law shall be appropriated to and used by the division of soil conservation of the state department of agriculture for soil conservation and lake and river enhancement. Provides that the limit on the amount of local government funds received by a soil and water conservation district that the state may be obligated to match must be adjusted if, because of a merger or a change in boundaries, the territory of the soil and water conservation district: (1) is larger than the entire area of one county; or (2) is smaller than the entire area of one county.

Effective: July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Natural Resources.



PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-7-1-29.1, AS AMENDED BY P.L.241-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 29.1. (a) One-sixth (1/6) of the money in the
4 cigarette tax fund is annually appropriated **as follows:**

5 **(1) The amount to which subsection (d) applies is annually**
6 **appropriated to the division of soil conservation for the**
7 **purpose set forth in subsection (d).**

8 **(2) The remainder of one-sixth (1/6) of the money in the**
9 **cigarette tax fund is annually appropriated to the department**
10 **of natural resources for the purposes set forth in subsections (b)**
11 **and (c).**

12 (b) The department **of natural resources** shall use at least two
13 percent (2%) but not more than twenty-one percent (21%) of the money
14 appropriated ~~to it~~ under this section for:

- 15 (1) flood control and water resource projects, including
16 multiple-purpose reservoirs; and
17 (2) applied research related to technical water resource problems.



1 The department of **natural resources** may use the money to which
 2 **this subsection applies** to plan, design, acquire land for, or construct
 3 the projects.

4 (c) The department of **natural resources** shall use at least thirty-six
 5 percent (36%) of the money appropriated to it under this section to
 6 construct, reconstruct, rehabilitate, or repair general conservation
 7 facilities or to acquire land.

8 (d) The ~~department~~ **division of soil conservation of the Indiana**
 9 **state department of agriculture** shall use at least forty-three percent
 10 (43%) of the money appropriated to the ~~department~~ under this section
 11 for soil conservation and lake and river enhancement under IC 14-32.

12 SECTION 2. IC 14-32-8-8, AS AMENDED BY P.L.1-2007,
 13 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) In addition to funds provided
 15 to a district under section 7 of this chapter or from any other source, the
 16 division of soil conservation shall pay to the district one dollar (\$1) for
 17 every one dollar (\$1) the district receives from a political subdivision.

18 (b) **Except as provided in section 8.2 of this chapter**, the state is
 19 not obligated to match more than ten thousand dollars (\$10,000) under
 20 this section.

21 (c) In order to receive funding under this section each year, a district
 22 must certify to the division of soil conservation the amount of money
 23 the district received from all political subdivisions during the one (1)
 24 year period beginning January 1 of the previous year. The information
 25 prepared under this subsection must be part of the annual financial
 26 statement prepared and provided to the board under IC 14-32-4-22. The
 27 division of soil conservation shall make distributions under this section
 28 not later than July 15 of each year.

29 (d) Before making distributions under this section, the division of
 30 soil conservation shall determine the total amount of money that has
 31 been certified by all districts as having been provided by political
 32 subdivisions. If the cumulative amount to be distributed to all districts
 33 exceeds the amount appropriated to the fund, the division of soil
 34 conservation shall reduce the distribution to each district
 35 proportionately.

36 (e) A district must spend money received under this section for the
 37 purposes of the district.

38 SECTION 3. IC 14-32-8-8.2 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2016]: **Sec. 8.2. (a) This section applies to a district if, as the**
 41 **result of:**

42 (1) the merger of two (2) or more districts; or



(2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;

the territory of the district is larger than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district includes the entire area of two (2) or more counties, the limit on the funds from political subdivisions that the state may be obligated to match is ten thousand dollars (\$10,000) multiplied by a whole number equal to the number of counties whose entire area is included in the territory of the district.

(d) If the territory of a district includes some of but less than the entire area of a particular county, the limit on the funds from political subdivisions that the state may be obligated to match is the sum of:

(1) ten thousand dollars (\$10,000) multiplied by a percentage equal to the percentage of the particular county's entire area that is included in the territory of the district; plus

(2) either:

(A) ten thousand dollars (\$10,000), if the territory of the district also includes all the area of one (1) other county; or

(B) the figure calculated under subsection (c), if the territory of the district also includes all the area of two (2) or more counties.

SECTION 4. IC 14-32-8-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.3. (a) This section applies to a district if, as the result of:

(1) the merger of two (2) or more districts; or

(2) the changing of the boundaries of one (1) or more districts under IC 14-32-6.5;

the territory of the district is smaller than the entire area of one (1) county.

(b) The limit in section 8(b) of this chapter on the funds from political subdivisions that the state may be obligated to match shall be adjusted under this section in the case of a district described in subsection (a).

(c) If the territory of a district contains less than the entire area of one (1) county, the limit on the funds from political subdivisions



- 1 that the state may be obligated to match is the product of:
- 2 (1) ten thousand dollars (\$10,000); multiplied by
- 3 (2) a percentage equal to the percentage of the county's entire
- 4 area that is included in the territory of the district.

